



## **Memorandum of Agreement Signing and Remarks By Homeland Security Secretary Michael Chertoff and Arizona Governor Janet Napolitano on Enhanced Driver's Licenses**

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**Secretary Chertoff:** Good afternoon, everybody. The Governor and I are going to begin by signing this Memorandum of Agreement, and then the Governor will make a statement, I will make a statement, and we'll take some questions.

(The Memorandum of Agreement is signed.)

**Governor Napolitano:** Well, thank you, Mr. Secretary. We have just signed a Memorandum of Agreement between the state of Arizona and the Department of Homeland Security. It creates a new type of driver's license that will be added to the current type of driver's license we have in Arizona. This new driver's license will satisfy the requirements of the Western Hemisphere Travel Initiative. It will be designed to meet the requirements as soon as practicable of REAL ID.

Also, on the state side, Arizona is about ready to implement a new employer sanctions law, the first of its type in the country. This will be the type of license an employer can use and rely upon for purposes of verifying the legal residency of job applicants.

So it serves three purposes in one enhanced driver's license. It is an agreement between our state and the Department of Homeland Security. It is premised on the idea that we need to work together to improve the level of quality of public safety for the people who live in Arizona; that by working together we can accomplish all of those goals, and do it in a way that betters all of us.

So Mr. Secretary, very glad to be able to work with you and your staff. They've been very good to work with on this project. And now we will get to the business of going to the Arizona legislature and getting whatever approvals they need to give. And also, already, the Arizona Motor Vehicle Division of our Department of Transportation is well underway in terms of getting the logistics done.

**Secretary Chertoff:** Thank you, Governor. It's great to welcome you here once again. It's always been good to work with you on these issues of security, as well as various immigration and other issues that involve not only the federal government but the states, and particularly the Southwest border.

I think all of us agree that in the wake of September 11th, and under the current threats with which we all have to deal every day, that it's important to take steps to prevent people who have hostile intent from crossing our borders. That's clearly the lesson of the 9/11 Commission, which talked about the fact that in the hands of terrorists and criminals, fraudulent documentation and phony identification are really weapons that enable people to carry out acts of violence and destruction.

So after working together with the state, we've been able to sign a Memorandum of Agreement today that I would describe as a win-win: a win for security, a win for convenience for the people of Arizona, and a win for security for the country.

Let me take a moment and seize the opportunity to discuss the Western Hemisphere Travel Initiative. In general, of course, by signing on for an enhanced driver's license that will be WHTI-compliant, Arizona will be offering its citizens a comparatively inexpensive and very convenient option to satisfy this new border-crossing requirement, which is going to come into effect at some point next year.

As I previously said, starting on January 31, 2008, we're going to begin the process of transitioning from the current system of land border crossing, in which people use literally thousands of different kinds of identification documents, to a much more disciplined and secure system. The first stage of this on January 31 will require that U.S. and Canadian citizens present either a WHTI-compliant document or a combination of a photo ID, like a current driver's license, and proof of citizenship, like a birth certificate, in order to cross the land border. Obviously, for example, a passport would deal with that issue, as would an ordinary current driver's license and a birth certificate.

As we move over time, of course, next year, and as we get into the process of distributing PASS cards, enhanced driver's licenses, and other documents like the NEXUS and SENTRY cards, we will ultimately require that only WHTI-compliant documents be presented at the border.

Let me explain what the value of this is. We put an awful burden on our Customs and Border Protection inspectors. They've got a lot of traffic they have to facilitate. And what these WHTI-compliant documents will do is reduce the number of different kinds of documents people have to examine. That means they can spend less time examining them and more time looking at the people who are coming in, which means a better ability to analyze who might be a threat. Also, with the chips involved in these driver's licenses and WHTI-compliant documents, we can actually increase the flow and make it faster, because instead of having to manually key in the names of people coming into the country, a single reading of the chip by the reader will allow all that information immediately to pop up on the screen of the inspector.

So this is something that is a positive step for security, but also a positive step for facilitation.

Let me also mention the value of REAL ID. REAL ID is designed, as you know, again, to provide people with confidence that documents that are presented for identification, such as driver's licenses, do, in fact, have security features so they can't be easily counterfeited, that the person is who they represent themselves to be, that they're not masquerading as somebody else, and that they are, in fact, lawfully in this country. I don't think it's a secret that the American public is rightly exercised over the question of people who are unauthorized to work who are nevertheless working.

And the challenge that we've had is to find a way to give employers a tool that is reasonable, secure and efficient, in terms of identifying who's authorized to work and who's not authorized to work, and eventually REAL ID can perform that function, along with some of the other tools that we have out there, like e-Verify.

So, again, this is a step forward for security, but also for privacy, because my recollection, from when I was in college, is it's pretty easy to forge a standard driver's license, and that means that people are susceptible to being victimized by those who want to impersonate them. What a REAL ID license will do is make it much harder for that to happen, and so that's a win for privacy and a blow against identity theft, which is a good thing as well.

Finally, let me say this Memorandum of Agreement is a reflection, I think, of an accelerating consensus among the states about the importance of having these kinds of licenses. In addition to our agreement with Arizona, we've got agreements with Washington, Vermont and New York on enhanced driver's licenses, and we're far along in discussions with Texas, California and Michigan and some other states.

I think this is an area where the public is actually ahead of some of the politicians in the desire to have secure identification that's convenient, easy to carry, but affords them a measure of protection for their identity, and also can be used with confidence to gain access to places like airplanes and government buildings.

So I appreciate Governor Napolitano's partnership in this area, as in a whole host of areas where we've worked together. It's an example of how people at different levels of government can get a lot of good things done for their citizens if we focus on what is beneficial and what binds us together. And so I look forward to continuing this partnership.

And now we'll take some questions.

**Question:** Can you tell us about when (inaudible) start issuing these enhanced licenses, and what the cost (inaudible) these licenses and the standard license?

**Governor Napolitano:** No, but I can tell you that part of it depends on the speed with which the legislature acts. But it will be sometime within the year 2008. And we don't have the actual cost yet, but as soon as we have that, we of course will make it available to the public.

It's our interest to move this as expeditiously as possible, now that the memoranda have been signed with the U.S. Department of Homeland Security, given where I think Arizonans are on the need for these issues, particularly in light of our employer sanctions law going into effect on the 1st of January. We're going to move this, and have been moving, as quickly as we can.

**Question:** If I could follow up on that real quick.

**Governor Napolitano:** Yes.

**Question:** You've been pretty vocal about REAL ID putting a heavy financial burden on the states (inaudible) now want to sign on to -- agreeing to comply with the -- as part of this deal?

**Governor Napolitano:** Well, I'm assuming -- the actual Memorandum of Agreement says REAL ID as soon as practicable; we need the regulations; the funding issues are still winding their way through the Congress.

So those will come. We already know the Western Hemisphere Travel Initiative requirements, and we know what we need for our state employer sanctions law, so we move ahead.

**Question:** I was wondering, Secretary, where the guidelines for REAL ID might be released and if you can give us any specific date?

**Secretary Chertoff:** I can't give you an exact date, but I would imagine within about a month we should have something out, maybe six weeks.

Yes.

**Question:** Secretary, you mentioned the 9/11 Commission. When you look at these agreements -- Arizona and these other states -- how well are these enhanced licenses living up to the standards that the 9/11 Commission recommended? How watered down are they?

**Secretary Chertoff:** I think they do -- well, they're not watered down. I think that the challenge has always been to find a way to get these distributed as efficiently as possible over a large population. But the features, the security features, I think, are exactly what the 9/11 Commission and other experts have talked about having: cardstock and a chip and other elements of the way the card is produced that make it very hard to counterfeit; a way of validating the breeder documents and checking databases to make it very difficult for somebody to impersonate somebody else or to change their status.

There's no such thing as a perfect card, and I sometimes tell people that if a foreign espionage agency wanted to find a way to tamper with a card or a passport, I can't guarantee they wouldn't do it. But this is the kind of thing that reduces the risk very, very, very substantially. And I think this meets not only the letter but the spirit of the recommendations of the 9/11 Commission.

**Question:** Governor, do you -- does your state have a cost estimate for compliance with REAL ID? And do you view WHTI sort of as an intermediate step towards ultimate REAL ID compliance?

**Governor Napolitano:** Yes, we have some cost estimates. We can get those to you. Partly depends on what the regulations ultimately say. They have been somewhat of a moving target. And so, once OMB has done their review of the regs and we actually see them, we will undoubtedly re-cost it now in light of what actually is published, and then we'll make it -- move forward on that.

In terms of WHTI, perhaps. It's hard to say, again, without knowing what the actual REAL ID requirements are. But it makes sense that there would be some concurrence between those two programs.

**Secretary Chertoff:** I mean, basically, an enhanced driver's license will satisfy REAL ID. I mean, it's kind of a REAL ID with an additional feature that will enable you to cross the border because it has a chip that enables the reader to work.

We are -- as I say, ultimately, when you look at the cost of these cards over the -- let's say the life of a card, assuming you renew every four years or so, I think we've roughly estimated that the cost per license over a four-year period is going to be about five or six dollars per person.

So -- and by the way, for the enhanced driver's license, may be a little bit more. That's still a lot less than the cost of a passport. So that's going to be economical for people in the border states.

**Question:** Mr. Secretary, a question on a different subject relating to the Omaha shooting yesterday. I was wondering if you and the department have any concerns about safety at shopping malls. And also, there had been previous FBI intelligence about threats to shopping malls. Any concerns that you have about that, and any actions the department is taking?

**Secretary Chertoff:** Let me, first of all, separate out the story sometime earlier we had about the FBI, kind of a general awareness notification on the need to be mindful of security during the holiday season. That's really a matter of common sense. It's not a reflection that there's some specific imminent threat. And of course, the story out of Omaha is not a terrorism-related story. It's similar to the tragedy we saw in Virginia Tech. We do live in an open society and there are people who are mentally disturbed who will sometimes take violent action. Obviously, the malls are almost all owned by private parties, so a lot of the responsibility for security lies with the private companies that own and operate the malls, and of course local government and local police play a major role as well.

But we have actually been working with the commercial sector over the last couple of years to help upgrade their security, and let me give you some ideas of what we've done. This past fall, we held regional training seminars in 12 cities across the country to talk about things like IED and vehicle-borne IED prevention, and soft target awareness. We do work with the Commercial Facilities Sector Security group to talk about best practices and also convey intelligence and information about the kinds of things that are out there.

We also have our protective security advisors who go and visit various facilities. We actually had one, by coincidence, at the mall in question at the time of the incident, discussing reaction to IEDs and what you can do to prevent or reduce your vulnerability to IEDs. We had, again, given over \$45,000 to this particular mall as part of a Buffer Zone Protection Plan, which resulted in allowing them to build entrance bollards, portable barriers, and communication systems.

So we are doing a lot with respect to malls, but I do have to say, at the end of the day, the joy of holiday time is the ability to get out in public, and we don't want to sacrifice the freedom of movement entirely. So we want to have the right balance between putting in some prudent security measures, but also not so confining the ability to enter our commercial retail establishments that people don't wind up wanting to go to shop. And I think this balance is one we have to achieve in partnership not only with local government and state government, but with the private sector as well.

**Question:** I know RFID has been incorporated into this program, but I also know it was dropped from U.S.-VISIT. Is that -- is there any potential, if this is successful, that that might be revisited?

**Secretary Chertoff:** Well, the reason it was dropped from U.S.-VISIT Exit is because it didn't actually add any operational value. The value it has here is traffic flow. When you come -- when you're coming up to the booth at the land port of entry, if you have to hand your card over and the inspector has to key in your name, that's five seconds, 10 seconds, plus the possibility of an error. What the chip does is it allows, as you approach, the system to read it and then pop up your information on the screen. And, by the way, your information isn't on the chip. The chip merely triggers something in a database that has your passport information or similar information.

U.S.-VISIT Exit -- because you're not dealing with the same architecture, it just didn't make sense, but we are committed to making U.S.-VISIT Exit work effectively, and the principal key there is the use of the fingerprint reader. As you know, we are -- the fingerprint reader with two prints has been successful at entry. We don't see any reason it can't be used at exit. And we're also, by the way, moving to 10-print readers at entrance, and we've done that overseas at more than half the consulates, and we're doing it, starting here in this country as we speak.

**Question:** Mr. Secretary, do you have any reaction to the letter from Bennie Thompson today saying that he's heard Project 28 hasn't worked and that the program should be scrapped?

**Secretary Chertoff:** Well, first of all, I don't think that's what the letter said. And second, I think I'll respond to the letter with a letter; I don't think it's polite to respond to a letter with a press conference. But I will say that I think that the system is now operational.

I think what we now want to have the Border Patrol do is really now run the system itself for a while, in real time, without the vendors around. I liken it to kind of buying a car. Up to now, we did the test drive, but we did it with the salesman in the seat behind us.

Now the salesman is going to -- we're going to take it home and we're really going to drive it around and we're going to see -- any additional things we want to address and change, we will address and change.

And we may also learn something about the next generation of the car, because this is what we call spiral development. It's a process where we actually use the tool in real life and we determine that there are some additional benefits we can get out of it, we then continue to build improvements into every successive iteration of the system.

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